AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.459 OF 2003
IN
FIRST APPEAL NO.1253 OF 2003

OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

Shri Pandey i/by M/s Panday & Co for the Applicant.
Ms Nisha Dabhade i/by Shri M.D.Patil for the Respondent No.1.

CORAM : A. S. OKA, J.
DATE : FEBRUARY 14, 2007.

P.C.:

1. Heard Advocate for the Applicant and the Advocate for the first Respondent. According to the averments made in the Application, suit structure was demolished on 14th August, 2002 by the officers of the first Respondent-Corporation. Admittedly, as on that day, there was no prohibitory order restraining the first Respondent from demolishing the suit structure as on that day the suit filed by the Applicant stood dismissed. Hence, no case is made out for grant of mandatory injunction. Application is rejected. However remedy, if any, of the Applicant against the second Respondent is kept open.

JUDGE